IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE C.V.RAMULU**

**WRIT PETITION NO : 34011 of 1998**

Between:

Mohd. Osman , S/o. Mohd Abdul Rahman, C/o. Sri Syed Osman,
R/o. 20/1, Vidyanagar,
Hyderabad.

**..... PETITIONER**

AND

1 Presiding Officer, Labour Court-1,
Hyderabad.
2 The Depot Manager, A.P.S.R.T.C.,
Barkatpura Bus Depot, Hyderabad.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order direction or writ particularly one in the nature of writ of certiorari after calling for the records from the Labour Court-1,Hyderabad in I.D.No.28/97 and quash the award dt.27.4.1998 and consequently direct the respondent No.2. to reinstate the petitioner in to service with continuity of service, back wages and all other attendant benefits and pass such further or other orders as this Hon'ble Court deems fit and proper in the circumstances of the case.

**Counsel for the Petitioner:MR.P.SUDHEER RAO /VIDYA SAGAR**

**Counsel for the Respondent No.1: GP FOR LABOUR**

**Counsel for the Respondent No.2: V.T.M.PRASAD**

**The Court made the following :**

**ORDER:**

This writ petition is filed by the workman being aggrieved by the Award passed by the Labour Court-1, Hyderabad in I.D.No.28/97 dated 27-4-1998.

It is the case of the petitioner that he was appointed as Conductor in the service of the Corporation in the year 1971 and he has been working in the corporation and performing his duties to the satisfaction of his superiors. While so, when he was conducting Bus No.7966 on the route No. 1 K (Metro Express) on 11-3-1996 from Koti to Secunderabad, a check was exercised by the officials of the Corporation at stage 7/8, Chilkalguda X Roads . On the basis of the check exercised, a charge sheet was issued enumerating the following charges.

1. *"For having failed to complete the ticket issues within a fare stage, which constitutes misconduct in terms of Reg. No.28 (xvii) of APSRTC Employees (Conduct) Reg. 1963".*

2. *"For having issued ticket Nos. 054/914082 and 083 of Rs.3.50 ps. denomination and 054/914095 to 097 of Rs.3.50ps denomination and also 054/918014 of Rs.3.50ps denomination to six (6) passengers ( 2+2+1+1) after collecting the requisite fare of Rs.3.50 ps. each, which were already issued and*

*accounted against stage No.4 in the 14.12 hrs. trip from Koti to Secunderabad Station vide SR No.AO/900-3489 dated 11.3.96 and these tickets were reissued to the said passengers who boarded at Koti and bound for Secunderabad Station ex-stages 3 to 8, which constitutes misconduct in terms of Reg.no.28 (xxiii) of APSRTC Employees (Conduct) Reg. 1963".*

3. *"For having failed to collect fare and issue ticket to a passenger who was found traveling without ticket from Mushirabad to Secunderabad Station, ex-stage 6/7 to 8, which constitutes misconduct in terms of Reg. No.28 (vi (a) of APSRTC Employees (Conduct) Reg. 1963".*

After calling for explanation and conducting a detailed domestic enquiry and giving full opportunity to the petitioner, the disciplinary authority passed an order of removal from service on 21-6-1996. Aggrieved by the same, the petitioner filed a claim petition under Section 2- A (2) of Industrial Disputes Act before the Labour Court-1,Hyderabad and the same was dismissed. It was the claim of the petitioner that domestic enquiry was not properly conducted and the passengers whose statements were recorded were not examined in the domestic enquiry, even otherwise punishment is disproportionate to the misconduct committed by the petitioner.

A detailed counter filed on behalf of the management before the labour court denying the allegations made by the petitioner stating that the misconduct committed by him is grave in nature and does not deserve any interference by the labour court. It was also further asserted that the petitioner was appointed in the year 1971 and during his service, he committed various cash and ticket irregularities for which he was imposed with the punishment of censure for 16 times, warned for 13 times, annual increments deferred for 14 times, pay reduced for 3 times and for having committed serious cash and ticket irregularities, he was suspended for 9 times and removed from service once. In spite of this, the petitioner has not mend his ways and committed cash irregularities on 11-3-1996.

Before the Labour Court on behalf of the workman, none was examined and

no documents were marked. On behalf of the respondent though none was examined, documents Exs.M.1 to M.23 were marked. After elaborate consideration of the entire evidence on record, the labour court came to the conclusion that the charges framed against the petitioner were all proved and the punishment imposed on him in removing from service also cannot be said to be disproportionate to misconduct committed by him and therefore, upheld the removal order passed by the management and the petition under Section 2A (2) of Industrial Disputes Act was dismissed. Aggrieved by the same the present writ petition is filed.

I have given earnest consideration to the respective submissions made by the learned counsel on either side and perused the Award under challenge and other material made available on record.

At the outset, I am of the opinion that the labour court has not committed any error in coming to the conclusion that the petitioner does not deserve any relief to be granted in view of the proved misconduct. The charges as seen from above were grave in nature. The past conduct of the petitioner was absolutely hopeless. During his service, he committed various cash and ticket irregularities for which he was imposed with the punishment of censure for 16 times, warned for 13 times, annual increments deferred for 14 times and pay was reduced for 3 times and for having committed serious cash and ticket irregularities, he was suspended for 9 times and removed from service once earlier. It is seen from the charges that when a surprise check was conducted by the checking officials at stage 7/8 at about 15 .30 hours, it was detected that the petitioner has committed serious cash and ticket irregularities. The petitioner failed to complete the ticket issues within the fare stage as permissible under the rules. Further having issued ticket Nos.054/914082 and 083 of Rs.3-50ps denomination and 054/914095 to 097 of Rs.3-50 ps denomination and also 054/918014 of Rs.3-50ps denomination to six passengers (2+2+1+1), after collecting the requisite fare of Rs.3-50ps each, which were already issued and accounted against stage No.4 in the 14.12 hours trip from Koti to Secunderabad station vide SR No. AO/900-3489 dated 11-3-1996.

Thus the petitioner reissued the tickets which were already sold out and utilized in the earlier trip. Further he also failed to collect fare and issue tickets to passengers who are found traveling without tickets from stage 6/7 to 8. Reissuing of tickets as such is a serious misconduct. It is proved in the enquiry that the petitioner issued those ticket which were already issued in the earlier trip. Thus, the petitioner

utilized used tickets to make unlawful gain for himself. The misconduct is very serious in nature and does not inspire confidence of this Court to interfere into the finding of the labour Court and the writ petition is devoid of merit and does not call for interference at the hands of this Court under Article 226 of the Constitution of India. Therefore, the writ petition is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

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C.V.RAMULU,J

23-06-2005

Stp

To

1 **Presiding Officer, Labour Court-1, Hyderabad.**
2 **The Depot Manager, A.P.S.R.T.C., Barkatpura Bus Depot, Hyderabad**.

3. Two CCs to G.P. for Labour,High Court Buildings,Hyderabad.(OUT)

4. CD copies